



**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF VIRGINIA**

U.S.A. vs. Alarie SpitzerDocket No. 1:17MJ273

**Petition on Probation**

COMES NOW Frank Weaver, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Alarie Spitzer, who was placed on supervision by the Honorable Ivan D. Davis, United States Magistrate Judge sitting in the Court at Alexandria, Virginia, on the 14th day of August, 2017, who fixed the period of supervision at 18 months, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

\*\*See Page 2\*\*

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

See Attachment(s)

**PRAYING THAT THE COURT WILL ORDER** a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked. This officer respectfully requests this matter be set for after her November 29, 2018, court date to monitor the status of his pending state charges detailed in this report.

**Returnable Date:** November 21, 2018 @ 10:00 A.m.

**ORDER OF COURT**

Considered and ordered this 6<sup>th</sup> day of Nov,  
2018 and ordered filed and made a part of the records in the above case.

Ivan D. Davis /s/  
Ivan D. Davis  
United States Magistrate Judge

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on:

Frank Weaver

Digitally signed by  
Franklin Weaver  
Date: 2018.11.05 15:09:21  
-05'00'

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Frank Weaver  
Senior U.S. Probation Officer  
(703) 299-2336  
Place Alexandria, Virginia

**TO CLERK'S OFFICE**

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**RE: Spitzer, Alarie**

**OFFENSE:** Driving While Intoxicated with BAC of .08% or More in violation of Title 18, U.S.C. § 13 Assimilating Virginia Code § 18.2-266.1.

**SENTENCE:** The defendant was sentenced to an 18 month period of supervised probation with the following special conditions: 1) the defendant shall serve 5 days in jail (weekends/intermittent) at the direction of the probation officer; 2) the defendant shall participate in and successfully complete an Alcohol Safety Action Program or other alcohol treatment program as deemed appropriate by the probation office; 3) for the first year of probation, commencing on August 14, 2017, the defendant may not operate a motor vehicle anywhere in the United States except (a) to and from work, as incident to or required by work, (b) to and from court, the probation office, and the Alcohol Safety Action Program; 4) the defendant shall undergo Remote Alcohol Testing if deemed appropriate by the probation officer; 5) the defendant shall pay a \$250.00 fine, and a \$25.00 special assessment as to count, to be paid by November 14, 2017.

**ADJUSTMENT TO SUPERVISION:** The defendant's term of supervised probation commenced on August 14, 2017. Since the inception of supervision, the defendant has worked at several restaurants located near her home. At the time of the new criminal conduct detailed below, the defendant was working at IHOP but indicated she had only obtained the employment on October 30, 2018. Before her employment at IHOP, she worked at a local Chili's restaurant.

On September 13, 2017, the undersigned submitted a violation report with request for no-action which alleged on September 4, 2017, the defendant was arrested and charged with Simple Assault on a Family Member as a result of an altercation she had with her now, estranged husband. This violation report was approved on September 13, 2017. On October 4, 2017, the defendant appeared before the Fredericksburg County Juvenile Domestic and Relations Court. At that time, the matter was continued to October 2, 2019, and the defendant was ordered to remain on good behavior until her October 2, 2019, hearing.

Throughout supervision, collateral contacts with the defendant's mother have been favorable. She advised the defendant abstained from the use of alcohol and multiple drug tests taken throughout the term of supervision returned negative for the use of alcohol. The defendant completed intake with the Rappahannock Area Alcohol Safety Action Program on September 18, 2017, and successfully completed treatment on August 27, 2018. The defendant completed her 5-day period of intermittent confinement on September 23, 2017, and paid her monetary penalties on October 11, 2017. Furthermore, this officer notes despite two prior Driving While Intoxicated charges, the defendant obtained her driver's license on September 10, 2018.

**VIOLATIONS:** The following violations are submitted for the Court's consideration.

**MANDATORY CONDITION:      COMMISSION OF A CRIME – DRIVING WHILE INTOXICATED:  
2<sup>ND</sup> OFFENSE WITHIN 5 YAERS WITH BAC OF .15%-.20%;  
DRIVING WRONG WAY ON ONE-WAY HIGHWAY.**

On November 1, 2018, Alarie Spitzer was arrested and charged with the above referenced criminal conduct by Officer A.J. Velasco of the Fredericksburg Police Department. The defendant was subsequently released from the custody of the Rappahannock Regional Jail on that date. Currently, this matter is scheduled to be heard before the Fredericksburg General District Court on November 29, 2018. A review of the police report indicated on November 1, 2018, Ms. Spitzer was observed operating a motor vehicle traveling the wrong direction down the highway. A traffic stop was initiated at which time Officer Velasco detected an odor of alcohol emitting from the vehicle. Ms. Spitzer was asked if she had been drinking and she admitted she had. Sobriety tests were administered

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**RE: Spitzer, Alarie**

and as a result of the defendant's failure on the sobriety tests, a breath test was administered. Ms. Spitzer registered a 0.17g/210L on a EC/IR II tests. At that time, the defendant was arrested and charged with Driving While Intoxicated and Driving the Wrong Direction on a One-Way Highway.

FJW/cdp